

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, APRIL 4, 1989

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor McCarty at 10:46 a.m. Council Member McColl welcomed students from the East San Diego Adult Center. Deputy Mayor McCarty presented a Mayor Proclamation to Mr. Jorgenson, Chairman of the U. S. Davis Cup Committee proclaiming U. S. Davis Cup Week. The meeting was recessed by Deputy Mayor McCarty at 12:07 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Member Filner not present. Mayor O'Connor adjourned the meeting at 3:50 p.m. to convene as the Redevelopment Agency followed by the Housing Authority.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksmma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (tm,eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member McColl-not present
- (4) Council Member Pratt-present
- (5) Council Member Struiksmma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Apr-4-1989

ITEM-310: WELCOMED

Welcoming a group of approximately 20 students from O'Farrell School of Performing Arts, accompanied by their teacher, Mrs. Schmidt. This group will arrive at approximately 10:30 a.m.

(District-4.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 004-026.)

ITEM-330:

Two actions relative to establishing the Catalina Boulevard (Varona Street to Catalina Place) Underground Utility District:
(Peninsula Community Area. District-2.)

Subitem-A: (R-89-1495) ADOPTED AS RESOLUTION R-273154
Establishing an Underground Utility District to be known and denominated as the Catalina Boulevard (Varona Street to Catalina Place) Underground Utility District.

Subitem-B: (R-89-1496) ADOPTED AS RESOLUTION R-273155
Authorizing the expenditure of an amount not to exceed \$2,500 from CIP-37-028, Gas Tax Fund 32191 for the purpose of administering the Catalina Boulevard (Varona Street to Catalina Place) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Catalina Boulevard between Varona Street and Catalina Place. This is a scheduled project in the Calendar Year 1990 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. The total number of affected properties in this district is 46, of which all are single-family residential properties. A typical cost range for a licensed contractor to perform this conversion work on residential private property is \$1,000 to \$1,500. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of

overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9000009.

FILE LOCATION: STRT K-185

COUNCIL ACTION: (Tape location: A034-045.)

Hearing began at 10:48 a.m. and halted at 10:49 a.m.

MOTION BY ROBERTS TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-331:

Appeals of Shirley Zirkel; Scott M. Marcus; La Jolla Village Estates, by Dennis Pearce, Chairman; and Villas Mallorca Homeowners Association, by Brian North, from the decision of the Planning Commission in approving, with modifications, Planned Residential Development Permit PRD-88-0934, proposing to develop 296 attached multi-family dwelling units (two to three stories high, over underground parking) on approximately 10.85 gross acres. The property is located at the northeast corner of Villa La Jolla Drive and Gilman Drive, in Zone R-1000, in the University Community Plan area. The subject property is further described as Parcels 1 through 3, inclusive of Parcel Map PM-11169.

(PRD-88-0934. District-1.)

19890404

Subitem-A: (R-89-2358) ADOPTED AS RESOLUTION R-273156

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0934 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-2359) ADOPTED AS RESOLUTION R-273157

DENYING THE APPEAL AND GRANTING
THE PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - PRD-88-0934

COUNCIL ACTION: (Tape location: A045-B578.)

Hearing began at 10:49 a.m. and halted at 12:07 p.m.

Testimony in favor by Brian North, Shirley Zirkel, Scott Marcus and Benny Chien.

Testimony in opposition by Jim Lantry.

Mayor O'Connor entered at 10:58 a.m.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL AND GRANT THE PERMIT WITH THE NOTE THAT THE APPLICANT WILL VOLUNTARILY PROHIBIT MORE THAN TWO ADULTS PER BEDROOM. Second by O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-332: (R-89-1790) ADOPTED AS RESOLUTION R-273162

Declaring that the Focused Planning Area for the San Dieguito Regional Open Space Park shall be, for planning purposes only, those boundaries depicted on the SANDAG Executive Committee map, as approved on September 16, 1988; declaring that the Executive Committee may, from time to time, recommend alterations of the boundaries, provided that approval of the boundaries shall be subject to all procedures necessary for amending this resolution; that recognition of the Focused Planning Area boundaries is not intended to constitute an announcement of the City of San Diego's intent to acquire, by purchase or condemnation, any particular parcel of property located within said boundaries but rather is intended to facilitate continued planning for potential future park development; that any parcels within the conceptual boundaries of the proposed park which are ultimately excluded from the park and utilized for private purposes will be developed in a manner consistent with all applicable zoning and land use regulations; declaring that any action regarding the conceptual boundaries of the proposed park does not preclude the continued use of property in a manner consistent with existing zoning and land use regulations.

(See Committee Consultant Analysis TLU-89-7 and letter from SANDAG Executive Committee dated 3/1/89. District-1.)

COMMITTEE ACTION: Reviewed by TLU on 3/9/89.

Recommendation to adopt the Resolution establishing the Focused Area Planning Boundary for the San Dieguito River Valley Regional Park. Districts 1, 2 and 4 voted yea. Districts 5 and 8 not present.

FILE LOCATION: STRT OS-33

COUNCIL ACTION: (Tape location: C103-466.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-333: (R-89-1669 Rev.1) ADOPTED AS RESOLUTION R-273158

Authorizing the execution of an agreement with Brown and Caldwell Consulting Engineers, for performance of a water cost of service and rate design study; authorizing the Auditor and Comptroller to transfer an amount not to exceed \$180,000 from the Water Revenue Fund No. 41502, Unallocated Reserve, to the Water Operating Fund No. 41500, Rate Consultant Program No. 70667; authorizing the expenditure of an amount not to exceed \$180,000 from the Water Operating Fund (No. 41500), Rate Consultant Program (No. 70667), for the purpose of providing funds for said study.

(See City Manager Report CMR-89-63.)

COMMITTEE ACTION: Reviewed by PSS on 2/15/89.

Recommendation to approve the City Manager's recommendation.

Districts 3, 6, and 7 voted yea. Districts 2 and 4 not present.

Aud. Cert. 8900725.

WU-U-89-114.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A400-415.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS-333, 335 AND 336. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-334: (R-89-1839) ADOPTED AS RESOLUTION R-273159

Authorizing the execution of an agreement with Children's Hospital and Health Center, Sharp Memorial Hospital and San Diego Medical Center Associates, for the preparation of a Master Conditional Use Permit.

(See City Manager Report CMR-89-108.)

COMMITTEE ACTION: Reviewed by TLU on 3/9/89.

Recommendation to approve the proposed agreement; directing staff to take all possible steps to expedite the processing of the current CUP requests for Children's Hospital and Sharp Health Care, and review traffic timing and funding with Planning Commission and/or City Council. Districts 1, 2 and 5 voted yea.

Districts 4 and 8 not present.

FILE LOCATION: MEET CONTFY89-2

COUNCIL ACTION: (Tape location: A026-034.)

MOTION BY STRUIKSMA TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: (R-89-1837) ADOPTED AS RESOLUTION R-273160

Authorizing the execution of an agreement with Public Resources Advisory Group, Inc./Grigsby, Brandford and Powell, Inc. to assist in development of financing alternatives for the Clean Water Program; authorizing the expenditure of an amount not to exceed \$310,000 from the Sewer Revenue Fund, No. 41506, for financial advisory services in the above project; authorizing the expenditure of an amount not to exceed \$46,500 from the Sewer Revenue Fund, No. 41506, for reimbursable expenses in the above project.

(See City Manager Report CMR-89-130.)

Aud. Cert. 8900803.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A400-415.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS-333, 335 AND 336. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-336: (R-89-1649) ADOPTED AS RESOLUTION R-273161

Authorizing the execution of an agreement with Touche Ross and Company for the performance of a management and organization study of the City's Metropolitan Sewerage System; authorizing the expenditure of an amount not to exceed \$250,000 from the Sewerage Utility Revenue Fund, No. 41506, Program Element 70711, Object Account No. 4151 for the purpose of providing funds for the above study.

(See City Manager Reports CMR-89-55 and CMR-89-120.)

COMMITTEE ACTION: Reviewed by PSS on 3/15/89.

Recommendation to approve the City Manager's recommendation but recommended the rate-making authority remain with the City Council. Districts 2, 3, 6 and 7 voted yea. District 4 not present.

Aud. Cert. 8900711.

WU-U-89-112.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A400-415.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS-333, 335 AND 336. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmá-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-337:

1) Proposal to amend the Navajo Community Plan to update existing conditions, objectives and proposals for the Grantville/Mission Gorge Road area. The amendment also provides design guidelines to be used in the review of discretionary permits and establishes supplemental development standards to be used in the review of ministerial permits in Grantville.

2) Application of the Community Plan Implementation Overlay Zone (CPIOZ) to the residential, commercial and industrial zoned property in Grantville. CPIOZ provides an implementation mechanism for community plan guidelines and standards which are not addressed by basic zoning. There are two types of CPIOZ permits: Type A provides for non-discretionary (ministerial) approval if specified standards are met; Type B requires discretionary approval at a public hearing.

3) Application of the Institutional Overlay Zone (IOZ) to publicly owned land designated for institutional use (public schools, libraries and fire stations) in the Navajo Community Plan. The IOZ is intended to preserve publicly-owned sites for institutional use until it is determined through a public hearing process that the existing institutional use or some other public use is no longer appropriate for a site.

4) Rezoning of three publicly owned school sites (Foster Elementary, Marvin Elementary and Harvey Lewis Jr. High) from Zone R-3000 to Zone R1-5000 to be consistent with the Zone R1-5000 property surrounding these school sites.

5) Rezoning the City owned neighborhood and community parks and open space systems from Zones R1-5000, R1-20000, R1-40000 and A-1-10 to Zones OS-P and OS-OSP to preserve these sites as parks and open space.

6) Rezoning the northwest corner of I-8 and Waring Road from Zone CN (Neighborhood Commercial) to Zone CO

(Commercial Office), to be consistent with the Office designation of the community plan.
(District-7.)

Subitem-A: (R-89-1428) ADOPTED AS RESOLUTION R-273163
Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-1139 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-162) INTRODUCED, TO BE ADOPTED APRIL 17, 1989
Introduction of an Ordinance for CPIOZ, IOZ, OS-P, OS-OSP, R1-5000 and CO Zoning.

Subitem-C: (R-89-1429) ADOPTED AS RESOLUTION R-273164
Adoption of a Resolution amending the community plan.
FILE LOCATION:

Subitem A and C LAND Navajo Community Plan,

Subitem-B --
COUNCIL ACTION: (Tape location: C473-D100.)
Hearing began 2:39 p.m. and halted 2:53 p.m.
Testimony in opposition by John McGeary.
MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR SUBITEMS A AND C AND INTRODUCE THE ORDINANCE FOR SUBITEM-B. Second by Pratt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

NORTH COASTAL SECTOR CONSOLIDATED AMENDMENTS
ITEM-338:

1) VERDE DEL MAR

Matter of a rezoning and proposal to amend the Via de la Valle Specific Plan to add an 8.1-acre tract of land to the Plan area for the purpose of constructing 25 single-family dwellings. The subject property is proposed to be rezoned from Zone A-1-10 (HRO) to Zones R1-10000 and R1-40000 (HRO). The subject property is located on the north side of Via de la Valle, approximately one mile east of I-5 and is further

described as a portion of Lot 8, Section 6, Township 14 South, Range 3 West, S.B.B.M.

2) LA JOLLA CANCER RESEARCH FOUNDATION

Proposal to amend the Development Intensity Element of the University Community Plan to increase the permitted level of development from 63,700 to 145,000 square feet of medical research uses. If the proposed amendment to the University Community Plan is approved by the City Council, the proposed amendment to the Local Coastal Program must then be approved by the California Coastal Commission in order to become effective. Subsequent amendment to the approved Planned Industrial Development Permit PID-83-0687 would also be necessary to incorporate the additional development intensity into the PID. The La Jolla Cancer Research Foundation is located on 4.9 acres at 10901 North Torrey Pines Road and is further described as Parcels 1-4, Parcel Map PM-13341.

(District-1.)

VERDE DEL MAR

19890404

Subitem-A: (R-89-1327) CONTINUED FOR ONE YEAR

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0260 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-89-150) CONTINUED FOR ONE YEAR

Introduction of an Ordinance for R1-10000 and R1-40000 (HR) Zones.

Subitem-C: (R-89-1326) CONTINUED FOR ONE YEAR

Adoption of a Resolution amending the specific plan.

Subitem-D: (R-89-) CONTINUED FOR ONE YEAR

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-87-0260.

LA JOLLA CANCER RESEARCH FOUNDATION

Subitem-E: (R-89-1424) ADOPTED AS RESOLUTION R-273165

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0842 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-F: (R-89-1425 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-273166

Adoption of a Resolution denying the La Jolla Cancer Research Foundation's requested amendment to the University Community Plan and Local Coastal Program Land Use Plan.

Subitem-G: (R-89-2044) ADOPTED AS RESOLUTION R-273167

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-88-0842.

FILE LOCATION:

Subitems A, C, and D LAND Via de La Valle Specific Plan,

Subitem-B --,

Subitems E, F, and G LAND University Community Plan.

COUNCIL ACTION: (Tape location: C020-103, D115-E150.)

Testimony in opposition to a continuance of Verde del Mar by Betty Shepherd.

Testimony in favor of a continuance of Verde del Mar by Michael McDade.

MOTION BY WOLFSHEIMER TO CONTINUE VERDE DEL MAR FOR ONE YEAR AT THE REQUEST OF THE APPLICANT TO COME BACK WITH A NEW PROPOSAL AND TO MEET WITH THE COMMUNITY PLANNING GROUP. Second by

McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Hearing began 2:55 p.m. and halted 3:39 p.m.

Testimony in opposition by Malin Burnham, Opal Trueblood, Ann Dempsey, Benny Chien, and Val Orhoff.

Motion by Wolfsheimer to grant an amendment for La Jolla Cancer Research Foundation to allow the density for 20,000 square feet and the mitigation level for traffic of 18,000. No second.

MOTION BY ROBERTS TO APPROVE THE LA JOLLA CANCER RESEARCH FOUNDATION'S REQUESTED AMENDMENT TO ALLOW UP TO 23,000 SQUARE

FEET DEPENDING UPON THE MITIGATION LEVEL FOR TRAFFIC OF 18,000 AND TO APPROVE THE CANDIDATE FINDINGS AS MODIFIED FOR 23,000.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-339:

(Continued from the meeting of February 28, 1989, Item 338, at the City Council's request, to direct the City Manager to bring back to Council on April 4, 1989, a plan that will place the Library and the YMCA on the Town Centre Site.)

A proposal to adopt an amendment to the Penasquitos East Community Plan to redesignate a 5.3 acre site located on the southeast corner of Calle De Las Rosas and Salmon River Road from open space to a library site.

The City Council may also consider and recommend other sites within Rancho Penasquitos to be redesignated as a library site.

(District-1.)

Subitem-A: (R-89-1610) FILED

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0941 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-89-1609) ADOPTED AS RESOLUTION R-273169

Adoption of a Resolution denying the plan amendment.

FILE LOCATION:

Subitems A and B LAND Penasquitos East
Community Plan

COUNCIL ACTION: (Tape location: D100-110, E154-298.)

Hearing began 2:53 and recessed 2:54.

Motion by Wolfsheimer to approve. No second.

Testimony in opposition by Alan Perry.

Hearing resumed 3:40 p.m. and halted 3:49 p.m.

Testimony by Alan Perry and Allan Dickey.

MOTION BY WOLFSHEIMER TO ADOPT SUBITEM-B AND DIRECT THE PLANNING DEPARTMENT TO PROCEED WITH THE RECOMMENDATIONS FOR THE PROPOSED

SITE FOR THE LIBRARY, AND FILE SUBITEM-A. Second by Pratt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-CS-1: (R-89-1907) ADOPTED AS RESOLUTION R-273170

A Resolution adopted by the City Council in Closed Session on April 4, 1989:

Authorizing the City Manager to pay the total sum of \$50,000.00 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. 549221, resulting from property damage of John Benedict; Authorizing the City Auditor and Comptroller to issue one check in the amount of \$50,000.00 made payable to Hartford Insurance Company and their attorney, Kenneth J. Medel in full settlement of all claims.

Aud. Cert. Number 8900814

FILE LOCATION: MEET

ITEM-CS-2: (R-89-1902) ADOPTED AS RESOLUTION R-273171

A Resolution adopted by the City Council in Closed Session on April 4, 1989:

Authorizing the City Manager to pay the total sum of \$25,000.00 in settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage of Beulah Smith; Authorizing the City Auditor and Comptroller to issue one check in the amount of \$25,000.00 made payable to Beulah F. Smith and her attorney, Kerry R. Tepper in full settlement of all claims.

Aud. Cert. Number 8900832

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 3:50 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E299).